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| 09/929,257 | 08/14/2001 | Micko Kusano | US01 8005 | 9730 |

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EXAMINER

BARQADLE, YASIN M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/929,257 | Applicant(s) KUSANO ET AL. | |
| | Examiner Yasin M. Barqadle | Art Unit 2153 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25-31 and 33-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 09, 2006 has been entered.

Response to Amendment

2. The amendment filed on March 09, 2006 has been fully considered but are moot in view of the new grounds of rejection.

- New claims 39-40 have been added
- Claims 24 and 32 have been canceled.
- Claims 1-23 and 25-40 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-23 and 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Franco et al (hereinafter "Franco") PCT No. (WO 200054187) in view of Liwerant et al US. Pub. No. 20020056123 (hereinafter "Liwerant") and further in view of Facq et al U.S. Patent Number 6016520 (hereinafter "Facq").

As per claim 1, Franco teaches a software application (page 1, lines 25-30 and page 3, lines 3-13) running on a local server (500, fig. 1A) having one or more associated local storage media (521, fig. 1A page 12, lines 24-27) and interfacing with a web-server (music provider 537, fig. 1A and page 3, 28-31; page 12, 24-27), the application representing data stored in the one or more local storage media in a consistent GUI based on content (page 12, lines 24-27), the web-server providing the local

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server with data, (music compatible to customer's collected statistical data is customized and suggested to customers page 11, lines 10-30 and page 19, lines 21 to page 20, line 4. page 21, line 29 to page 22, line 8), the application organizing and presenting data accessible from the web-server on the GUI based on the content of the data provided (page 3, lines 28 to page 4 line 5].

Although Franco shows substantial features of the claimed invention, he does not explicitly show converting data to a format compatible with an application.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Franco, as evidenced by Liwerant USPN. (6185625).

In analogous art, Liwerant whose invention is about a system for sharing a streaming video, disclose "In one embodiment, even if the video segment is in streaming format upon receipt at the receiving computer, the receiving computer automatically converts the video segment into another streaming video format. In some embodiments, the video segment can be converted into multiple video formats, including both formats compatible with streaming video and formats not compatible with streaming video." (§ 57; see also § 85 and § 136). Giving the teaching of Liwerant, a person of ordinary skill in the art would have

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readily recognized the desirability and the advantage of modifying Franco by employing the system of Liwerant in order to determine a streaming video format that provides an optimal viewing quality.

Although Franco and Liwerant show substantial features of the claimed invention, they do not explicitly show adding user preference derived information to information requested by a user.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Franco and Liwerant, as evidenced by Facq USPN. (6016520).

In analogous art, Facq whose invention is about a systems for efficiently transferring multiple media content on a communications medium for interactive viewing, disclose "After the client initially requests a media item responsive to the user input, the server predicts which subsequent media items are likely to be requested next by the client based on the multiple media title's content. The server then transmits the predicted subsequent media items in addition to the media item initially requested by the client." (col. 2, lines 43-59 and ¶ abstract). Giving the teaching of Facq, a person of ordinary skill in the art would have readily recognized the desirability and the

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advantage of modifying Franco and Liwerant by employing the system of Facq in order to transfer multiple media items likely to be needed by a viewer in advance before they are requested by the viewer application. Accordingly, the latency and transmission delays of an on-line connection are accommodated transparently to the user, resulting in a substantial increase in the responsiveness of the viewer application to user input (col. 7, lines 24-36)

As per claim 2, Franco teaches the software application of Claim 1, wherein the software application receives data downloaded from the web-server (music files are downloaded from provider 537 page 11, lines 25-30) and stores the data in one of the associated local storage media (page 3, lines 28-21), the application representing the downloaded data integrated with data stored in the one or more local storage media in a GUI based on content of the data [page 3, lines 28 to page 4, line 29 and page 16, lines 1-7].

As per claim 3, Franco teaches the software application as in claim 2, wherein the software application is a music application [page 1, lines 25-30].

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As per claim 4, Franco teaches software application as in Claim 2, wherein the local server has one or more associated devices that interface with the local server [fig. 1A and page 3, lines 28 to page 4, line 29 and page 16, lines 1-7].

As per claim 5, Franco teaches software application as in Claim 4, wherein the software application controls an associated device to utilize data stored in the one or more local storage media when the user selects the content of the stored data as represented on the GUI [fig. 1A and page 3, lines 28 to page 4, line 29 and page 16, lines 1-7].

As per claim 6, Franco teaches software application of claim 2, wherein the GUI omits location of the storage medium of the data represented on the GUI [fig. 1A and page 3, lines 28 to page 4, line 29 and page 16, lines 1-7].

As per claim 7, Franco teaches the software application of Claim 1, wherein the software application receives identification data for data that is accessible from the web-server, the application representing the data accessible from the web-server integrated with data stored in the one or more local storage media in a GUI based on content of the data [fig. 1A; page 3,

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lines 28 to page 4, line 29 and page 19, lines 21 to page 20, line 4].

As per claim 8, Franco teaches the software application of Claim 7, wherein a selection of the data accessible from the web-server via the GUI initiates a stream of the data from the web-site [page 21, lines 29 to page 22, line 3].

As per claim 9, Franco teaches the software application of claim 8, wherein the streamed data is used by a device that is associated with the local server [fig. 1A page 11, lines 6-25].

As per claim 10, this claim has similar limitations found in claim 1 above, therefore it is rejected with the same rationale.

As per claim 11, Franco teaches the GUI as in Claim 10, wherein the GUI represents data in standard displays based on content [page 7, lines 5-8 and lines 22-28. see also page 19, lines 5-12].

As per claim 12, Franco teaches the GUI as in Claim 11, wherein the GUI controls an associated device to utilize data selected

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by a user based on the content represented in the GUI [page 7, lines 29 to page 8, line 6].

As per claim 13, Franco teaches the GUI as in Claim 11, wherein the software application initiates a download of data from the remote network selected by a user based on the content represented in the GUI [page 21, lines 29 to page 22, line 3].

As per claim 14, Franco teaches the GUI as in Claim 13, wherein the software application stores the downloaded data locally and causes the GUI to represent the downloaded data together with other data stored locally and in the remote network in standard displays that integrate the representation of data independent of where stored [page 2, 7-15 and page 6, lines 24-30].

As per claim 15, Franco teaches the GUI as in Claim 12, wherein the software application initiates a stream of data from the remote network selected by a user based on the content represented in the GUI [fig. 1A and page 2, 7-23].

As per claim 16, Franco teaches a system comprising a local server (500, fig. 1A) that interfaces with a remote network (fig. 1A, internet 535) and runs at least one software application (page 1, 25-30 and page 12, 24-27), the system

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having at least one associated storage medium for storage of local information (521, fig. 1A page 3, 28-31 and page 12, 24-27), the software application initiating communication from the local server to the remote network to retrieve information from the remote network and storing the retrieved information on the at least one associated storage medium as local information (page 6, lines 24-30 and page 11, lines 21-30), the retrieved information including specified data [page 22, lines 25 to page 23 line 22 and page 19, lines 21 to page 20, line 4].

As to at least one of a local server and remote network converting data to a format compatible with an application and adding user preference derived information to information requested by a user see the rejection of claim 1 above.

As per claim 17, Franco teaches the system according to claim 16, wherein the local server interfaces with the remote web network via a web-server [fig. 1A. and page 11, lines 25-30].

As per claim 18, Franco teaches the system according to Claim 17, wherein the web-server receives data in a pre-defined format that is compatible with at least one software application from at least one data provider (§ 57; see also § 80-85 and § 136).

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As per claim 19, Franco teaches the system according to Claim 18, wherein the at least one data provider is a web-site [page 21, lines 29 to page 22, line 3].

As per claim 20, Franco teaches the system according to Claim 18, wherein the web-server receives data from at least one data provider and transforms it into the pre-defined format [page 19, lines 21 to page 20, line 4 and page 21, lines 10-21. see also page 23, lines 9-24].

As per claim 21, Franco teaches the system according to Claim 16, wherein the format is compatible with a standard GUI generated by the at least one software application [page 19, lines 21 to page 20, line 4 and page 21, lines 10-21. see also page 23, lines 9-24].

As per claim 22, Franco teaches a method of enabling a remote server to provide information (provider 537) to a local server (500, fig. 1A), the method comprising:

storing information, selecting information that is applicable to a software application of the local server, and transferring the selected information to the local server (page 12, lines 24-27).

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As to at least one of a local server and remote network converting data to a format compatible with an application and adding user preference derived information to information requested by a user see the rejection of claim 1 above.

As per claim 23, Franco teaches the method of Claim 22, wherein the remote server receives the information in a pre-defined format that is used by the software application [page 19, lines 21 to page 20, line 4 and page 21, lines 10-21 and page 8, lines 21-31].

As per claim 25, Franco teaches the method of Claim 22, wherein the remote server transfers the selected information to the local server in a format that is convertible by the local server into a pre-defined format used by the software application of the local server [page 6, lines 6-11; page 19, lines 21 to page 20, line 4 and page 21, lines 10-21].

As per claim 26, Franco teaches the method of Claim 22, wherein the remote server receives the information from at least one web-site [page 8, lines 21-31].

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As per claim 27, Franco teaches the method of Claim 26, wherein the remote server receives the information in a pre-defined format that is used by the software application [page 19, lines 21 to page 20, line 4 and page 21, lines 10-21].

As per claim 28, Franco teaches the method as in claim 22, wherein the selected information transferred to the local server comprises control information for a GUI associated with the local server [page 7, lines 29 to page 8, line 6 and page 19, lines 5-31].

As per claim 29, Franco teaches the method as in claim 22, wherein the information comprises content information for the software application of the local server [page 19, lines 21 to page 20, line 4 and page 21, lines 10-21].

As per claim 30 and 36, Franco teaches a method of enabling a software application of a local server (500, fig. 1A) to receive information from a remote server (537, fig. 1A), the method comprising the steps of requesting information that is applicable to the software application (page 11, 21-30), the requested information comprising at least one preference of an end user, and receiving selected information from the remote

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server, the selected information corresponding to the at least one preference [page 7, lines 29 to page 8, line 6 and page 8, lines 28-31. see page 19, lines 21 to page 20, line 4].

As to at least one of a local server and remote network converting data to a format compatible with an application and adding user preference derived information to information requested by a user see the rejection of claim 1 above.

As per claim 31, Franco teaches the method of Claim 30, wherein the local server receives the selected information in a pre-defined format that is used by the software application [page 6, lines 6-9 and page 12, lines 6-18].

As per claim 33, Franco teaches the method of Claim 30, wherein the local server receives the selected information from a web-server [page 11, lines 25-30].

As per claim 34, Franco teaches the method of Claim 33, wherein the web-server receives the selected information from at least one web-site [page 21, lines 29 to page 22, line 3].

As per claim 35, Franco teaches the method of Claim 33, wherein the web-server receives information from at least one web-site

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and selects the information that is received by the local server [page 21, lines 29 to page 22, line 12].

As per claim 37, Franco teaches the method as in Claim 30, wherein the selected information received by the local server comprises control information for a GUI associated with the local server [page 7, lines 29 to page 8, line 6 and page 19, lines 5-31].

As per claim 38, Franco teaches the method as in Claim 30, wherein the selected information comprises content information for the software application of the local server [page 7, lines 29 to page 8, line 6 and page 8, lines 28-31].

As to claims 39 and 40, Facq teaches where the software application is configured to generated a user interface including a two-sided palette too flippable by said user, one side of said pallete tool is for selecting a particular user from available users, and another side of said pallete tool is for selecting information associated with the selected particular user (col. 6, lines 19-40 and col. 11, 47-57).

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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ABDULLAH SALAD
PRIMARY EXAMINER